

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

BENNIE PINO,

Plaintiff,

vs.

Civ. No. 18-759 JCH/GJF

BIA LAW ENFORCEMENT
MESCALERO AGENCY,
FNU JACKSON, AND
T. DECKER,

Defendants.

ORDER TO CURE DEFICIENCY

THIS MATTER comes before the Court on Plaintiff's Prisoner Civil Rights Complaint [ECF No. 1]. Plaintiff originally filed the Complaint as an attachment to his habeas corpus petition in Civ. No. 18-565 KG/GJF. By an Order entered August 7, 2018, the Court severed the habeas corpus and civil rights claims and directed the Clerk to open this new civil rights case (18-759 JCH/GJF).

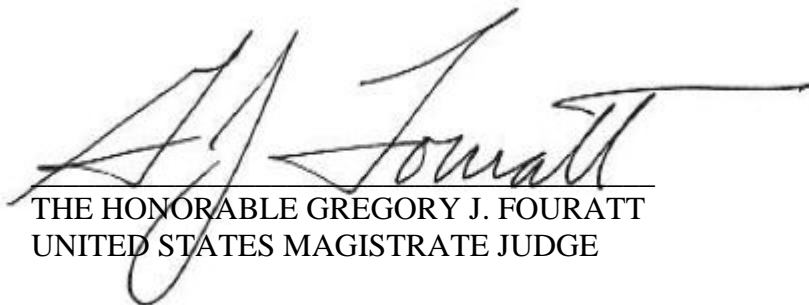
To pursue his civil rights claims, Plaintiff must prepay the \$400 civil fee or file a properly supported *in forma pauperis* motion in this case. *See* 28 U.S.C. § 1915. The *in forma pauperis* motion in the habeas action [ECF No. 2 in Civ. No. 18-565 KG/GJF] will not suffice because it does not include a certified copy of Plaintiff's inmate account statement for the six-month period preceding this action. *See* 28 U.S.C. § 1915(a)(2) ("A prisoner seeking to bring a *civil action* ... without prepayment of fees or security therefor ... shall submit a certified copy of the trust fund account statement ... for the prisoner for the 6-month period immediately preceding the filing of the complaint") (emphasis added). Plaintiff must cure the above deficiency within thirty (30) days of entry of this Order. He should include the civil action number (**Civ. No. 18-759**

JCH/GJF) on all papers related to the **civil rights case**. Failure to timely comply may result in dismissal of this action without further notice.

IT IS ORDERED that **within thirty (30) days** of entry of this Order, Plaintiff must prepay the \$400 filing fee or, alternatively, submit an application to proceed *in forma pauperis* along with a certified copy of his inmate account statement for the period between December 17, 2017 and June 17, 2018.

IT IS FURTHER ORDERED that the Clerk's Office is directed to mail to Plaintiff, together with a copy of this Order, a form Application to Proceed in District Court Without Prepaying Fees or Costs.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE